

State Siting Laws and Environmental Reviews for Wind Energy Projects

6/1/2007

| State | MW Installed | Facility Siting Guidelines | Environmental Review/ Wildlife Guidelines |
|-------------|--------------|---|--|
| Arizona | 0 MW | | Wind Energy Development Guidelines exist to recommend ways to minimize wildlife impacts |
| California | 2376 MW | | California Environmental Quality Act requires review of environmental impacts of proposed actions, including all wind projects. In addition, the California Energy Commission and the Department of Fish & Game are developing specific wind energy siting guidelines, expected to be finalized in 2007. |
| Colorado | 291 MW | Public Utilities Commission regulates projects larger than 2 MW | PUC Rule requires consultation with the Colorado Division of Wildlife and the U.S. Fish & Wildlife Service, as well as specific surveys of potential impacts |
| Connecticut | 0 MW | Connecticut Siting Council regulates any power facility over 1 MW | A Certificate of Environmental Compatibility and Public Need is granted after applicants have included descriptions of potential effect of facilities to the environment, including wildlife impacts. |
| Hawaii | 63 MW | | The Department of Land and Natural Resources permits projects, in consultation with the Department of Forestry and Wildlife. |
| Iowa | 932 MW | Iowa Utilities Board provides a certificate of public convenience, use, and necessity for power plants over 25 MW, wind projects are sometimes exempt | The Department of Natural Resources regulates all wind projects and has mapped Areas of Concern for Wind Farm Siting. |
| Kansas | 364 MW | | Kansas Energy Council developed a Siting Handbook that includes guidelines and the Kansas Renewable Energy Working Group developed wind siting guidelines. Kansas Department of Wildlife and Parks is consulted during development. |

** Information adapted from Association of Fish & Wildlife Agencies "Wind Power Siting Regulations and Wildlife Guidelines in the United States" April 2007
 State Siting and Wildlife Laws - including laws pertaining to historic preservation, state wetlands and waterways, storm water runoff protection, agricultural production and state threatened and endangered species – also apply to wind energy projects.

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| Maine | 42 MW | Department of Environmental Protection relates large structures over 20 acres. | The Department of Inland Fisheries & Wildlife, the Department of Environmental Protection and the Land Use Regulatory Commission conduct environmental reviews of projects. |
| Maryland | 0 MW | The Public Service Commission issues Certificates of Public Convenience and Necessity for projects over 70 MW | Siting Guidelines to Mitigate Avian and Bat Risks from Wind Power Projects completed |
| Massachusetts | 4 MW | Energy Facilities Siting Board (EFSB) regulates construction of plants and the Secretary of the Executive Office of Environmental Affairs is on that Board. However, most on-land wind projects in the state will be smaller than EFSB thresholds and not subject to EFSB review. | Model zoning for municipalities was developed by the Division of Energy Resources and the Executive Office of Environmental Affairs. State review through Environmental Notification Form. Some wind projects may also trigger state review under the Massachusetts Environmental Policy Act (MEPA). |
| Michigan | 3 MW | | Michigan Siting Guidelines for Wind Energy Systems recommend wildlife impact analysis among other things. |
| Minnesota | 895 MW | Public Utility Commission regulates projects over 5 MW, which has specific wind project siting requirements | Wildlife impact analysis required under PUC process. |
| Nevada | 0 MW | Public Utilities Commission issues permits for power plants over 150 kW | The Department of Natural Resources is integrated into the PUC review process |
| New Hampshire | 1 MW | Energy Facility Siting Evaluation Committee certifies facilities over 30 MW. | The head of the Fish & Game Department is one of the officials on the Committee, and that department reviews projects for potential wildlife impacts. |
| New Mexico | 496 MW | | Fish & Game Department has guidelines on the Impacts of Wind Energy Development on Wildlife and is consulted on projects. |

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| New York | 370 MW | Public Service Commission approves projects over 80 MW | Department of Environmental Conservation is developing voluntary guidelines for all projects in the state. All wind projects reviewed under the State Environmental Quality Review act. |
| North Dakota | 178 MW | Public Service Commission regulates projects over 100 MW | Game & Fish Department is involved in the PSC review process |
| Ohio | 7 MW | Power Siting Board responsible for projects greater than 50 MW | 2 guidance documents: Siting New Energy Infrastructure in Ohio – A Guidance Document, and Summary of the Ohio Department of Natural Resources Authorities and Guidance for the Siting and Operation of Wind Power Generating Facilities in Ohio |
| Oregon | 438 MW | Energy Facility Siting Council approves projects 105 MW or greater, Department of Fish & Wildlife involved in that process | Energy Facility Siting Standards in place that include wildlife considerations |
| Pennsylvania | 179 MW | | Game Commission recently released a cooperative agreement outlining study recommendations based on site-specific biological issues. Several wind developers have joined as signatories. |
| South Dakota | 44 MW | Public Utility Commission permits energy facilities over 100 MW | Department of Game, Fish & Parks developed Siting Guidelines for Wind Power Projects that include wildlife considerations |
| Texas | 2749 MW | | Draft guidelines under development with Parks & Wildlife Department |
| Vermont | 6 MW | Public Service Board certifies all wind projects except residential applications | Agency of Natural Resources has Guidelines for the Review and Evaluation of Potential Natural Resources Impacts from Utility-Scale Wind Energy Facilities in Vermont |

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| Washington | 818 MW | State Energy Facility Site Evaluation Council regulates all projects over 350 MW and any renewable energy projects can opt-in to this process | Department of Fish & Wildlife developed Wind Power Guidelines in 2003 that include wildlife review and habitat considerations |
| West Virginia | 66 MW | Public Service Commission regulates development | PSC includes environmental review in certification process for wind energy projects |
| Wisconsin | 53 MW | Public Service Commission certifies projects over 100 MW, including wildlife considerations | Guidelines developed: Considering Natural Resource Issues in Wind Farm Siting in Wisconsin |

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